IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.5429 OF 2004

Smt.Usha V.Soni .. Petitoner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.R.P.Sabban with Mr.V.K.Dubey for the petitioner

Mr.V.P.Malvankar, A.G.P. for respondent no.1, 2 and 5.

Mrs.K.R.Jayakar for respondent no.3

Mr.Nitin Jamdar for respondent no.6

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 15TH SEPTEMBER, 2004

P.C.:

1. Heard advocates.

2. The land of the petitioner was acquired under the provisions of Urban Land (Ceiling & Regulation) Act, 1976. Subsequently, in view of the judgment of this Court in Udhav Tatya Bhopala's case, the State government decided to release the land of the petitioner and similarly situated land holders.

However, a part of the petitioner's land was constructed upon by the MSEB and that part of the land was retained and rest of the land was handed back to the petitioner. The compensation has been paid to the petitioner for the land which has been retained for MSEB.

3. In the draft development plan prepared by MHADA which is Special Planning Authority has earmarked the entire land of the petitioner for MSEB. In view of the fact that a part of the land is not required by MSEB and the same has been released an application has been made by the petitioner for releasing the said land from reservation under section 50 of the MRTP Act and the said application has been pending for consideration before the State Government. The State Government is directed to hear all the concerned parties including Solapur Municipal Corporation and pass appropriate order on the application made by the petitioner u.s. 50 of the MRTP Act within a period of 3 months from today. Petition is accordingly disposed of.